

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Pius Aileman,

Civ. No. 13-178 (PAM/TNL)

Petitioner,

v.

ORDER

State of Minnesota,

Respondent.

This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Tony N. Leung dated February 11, 2013. In the R&R, Magistrate Judge Leung recommends the dismissal with prejudice of Petitioner Pius Aileman’s Petition for a Writ of Habeas Corpus. Petitioner filed timely objections to the R&R.

According to statute, the Court must conduct a de novo review of any portion of the Magistrate Judge’s opinion to which specific objections are made. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). Based on that de novo review, the Court adopts the R&R.

The R&R determined that Petitioner’s claims were barred because they had previously been raised both on direct appeal and in a petition for postconviction relief filed in the District in which Petitioner was convicted. Petitioner’s objection to the R&R amounts to a contention that a federal court should be able to correct injustices when other courts have failed to do so. But, as the R&R noted, this Court is not empowered to “correct” anything done by a co-equal court or by a Court of Appeals. Indeed, the Court’s jurisdiction over

habeas corpus actions is sharply limited. Indeed, as the R&R pointed out, the Court shall not entertain a motion for habeas relief if the sentencing court has already denied the relief requested. Although Petitioner attempts to characterize his claims here as different from those he raised in his previous proceedings, in fact the instant claims are nearly identical to his previous claims. Because he has not and cannot establish that a motion in the sentencing court is “inadequate or ineffective” in this case, the Court is simply without jurisdiction to review the claims he raises here.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R (Docket No. 4) is **ADOPTED**;
2. The Petition for a Writ of Habeas Corpus (Docket No. 1) is summarily **DISMISSED** for lack of jurisdiction; and
3. The Application for Leave to Proceed In Forma Pauperis (Docket No. 2) is **DENIED** as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 20, 2013

s/ Paul A. Magnuson

Paul A. Magnuson
United States District Court Judge